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8 Attorneys for Defendant
EASTMAN KODAK COMPANY

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

STIPULATION AND [PROPOSED] ORDER EXTENDING KODAK'S TIME TO FILE ITS REPLY IN SUPPORT OF MOTION TO DISMISS UNTIL JANUARY 18, 2011; Case No. 5:10-CV-04145-JW-PGS

WHEREAS, on October 8, 2010, Eastman Kodak Company (“Kodak”) filed a Motion to Dismiss, Or In The Alternative, Transfer Venue to the Western District of New York, and noticed its motion for November 15;

WHEREAS, on October 12, 2010, the Court continued the hearing on Kodak's Motion to Dismiss, Or In The Alternative, Transfer Venue to the Western District of New York to January 31, 2011;

WHEREAS, on November 15, 2010, Kodak filed an Amended Motion to Dismiss, Or In The Alternative, Transfer Venue to the Western District of New York, And Motion to Stay Discovery, noticed for January 31, 2011;

10 WHEREAS, Apple timely filed its Opposition papers on January 10, 2011;

WHEREAS, Kodak's Reply and supporting papers are due "at least 14 days before" the January 31, 2011 hearing, Civil L.R. 7-3, which, because January 17, 2011 is a Court holiday, falls on Friday, January 14, 2011;

IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES, pursuant to Fed. R. Civ. P. 6(b)(1)(A), and Civil L.R. 6-2 and 7-12 and 16-2(e), to request that Kodak's time to file its reply is extended to **January 18, 2011**.

Dated: January 13, 2011

K&L GATES LLP

By: /s/ Mikal J. Condon
Michael J. Bettinger
Shane Brun
Rachel R. Davidson
Mikal J. Condon

Dated: January 13, 2011

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By: /s/ Liani G. Kotcher
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Attorneys for Plaintiff
Apple Inc.

I, Mikal J. Condon, attest that concurrence in e-filing this Stipulation and Proposed Order has been obtained from signatory Liani G. Kotcher.

Dated: January 13, 2011

Respectfully submitted,

By: /s/ Mikal J. Condon
Mikal J. Condon

PROPOSED ORDER

PURSUANT TO THE STIPULATION, the time for Kodak to reply to its Amended Motion to Dismiss or, in the Alternative, Transfer Venue and Motion to Stay is hereby extended to January 18, 2011.

IT IS SO ORDERED.

Dated: January 14, 2011


Hon. James Ware, District Court Chief Judge